



March 22, 2022

To the Honorable Council  
City of Norfolk, Virginia

Item Number: C-1

Re: Tax Overpayment - Medical Facilities of America  
XLI (41) Limited Partnership

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to Medical Facilities of America XLI (41) Limited Partnership in the amount of \$26,274.88 plus interest based upon the overpayment of its 2021 Business License Tax, resulting in a refund due of \$26,274.88, plus interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "BAPishko".

Bernard A. Pishko  
City Attorney

BAP:sb  
Attachment

**Supporting Material:**

- Certification & Request for Refund - Signed (PDF)
- Interest Calculations (PDF)
- Refund Summary (PDF)

Form and Correctness Approved:

*BAP*

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose

By: 

Office of the City Attorney

Contents Approved:



By: \_\_\_\_\_

Commissioner of Revenue



Shenette Felton, Director of Finance

NORFOLK, VIRGINIA

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## Ordinance No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO  
ISSUE A REFUND TO MEDICAL FACILITIES OF  
AMERICA XLI (41) LIMITED PARTNERSHIP BASED  
UPON THE OVERPAYMENT OF ITS BUSINESS LICENSE  
TAX FOR TAX YEAR 2021.

- - -

WHEREAS, the Commissioner of the Revenue has  
determined that the 2021 business license tax was overpaid by  
Medical Facilities of America XLI (41) Limited Partnership and  
has corrected this assessment in accordance with Virginia Code  
§58.1-3710; and

WHEREAS, the Commissioner of the Revenue has certified  
with the consent of the City Attorney that the aforementioned  
taxpayer paid all taxes due and is entitled to a refund of  
business license tax paid in the amount of \$26,274.88, plus  
interest pursuant to Virginia Code §58.1-3981; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That \$26,274.88, plus interest at the  
rate established by applicable law, is hereby

appropriated for a refund to Medical Facilities of America XLI (41) Limited Partnership for overpayment of its 2021 business license tax.

Section 2:- That the Treasurer of the City of Norfolk is hereby directed to issue a refund to Medical Facilities of America XLI (41) Limited Partnership in the amount specified above as soon as practicable upon passage of this ordinance.

Section 3:- That this ordinance shall be in effect from and after its adoption.

CERTIFICATION OF FUNDING

Refund Account No.:	<u>1000 104 010 4101 01</u>	Amount:	<u>\$26,274.88</u>
Interest Account No.:	<u>1000 104 010 4101 03</u>	Amount:	<u>\$1,576.49</u>

Norfolk Commissioner of the Revenue  
Certification and Request for the Refund  
Of Previously Paid Tax to:

Medical Facilities of America

February 17, 2022

**Overview:**

The business closed on May 27, 2021, and is requesting a refund on the unused balance of its business license.

In compliance with **Norfolk Code § 24-7**, the Commissioner of the Revenue's files about this request are available for inspection by the City Attorney.

**Fiscal Impact:**

This refund reduces business license tax revenue by **\$26,274.88** for the 2022 fiscal year.

**Conclusion:**

It is recommended that the City Attorney consent to the issue of the refund and call for the City Council to direct the City Treasurer to refund the business license overpayment of \$26,274.88

**Certification**

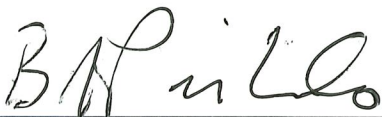
I, Blythe A. Scott., Commissioner of the Revenue for the City of Norfolk, certify that the above-named company is due a refund of \$26,274.88 as specified by Virginia Code §58.1-3710 due to the overpayment of Business License Taxes.



Blythe A. Scott, Commissioner of the Revenue

2.23.22

Date



Bernard Pishko, City Attorney

2/24/22

Date

CITY ATTORNEY-COPY

**Medical Facilities of America**

Interest is calculated at 6% per annum or .05% per month.

Year	Overpayment Amount	Number of Months	Rate equals	Interest Refund
2018	\$0.00	0	0.00%	\$0.00
2019	\$0.00	0	0.00%	\$0.00
2020	\$0.00	0	0.00%	\$0.00
2021	\$26,274.88	12	6.00%	\$1,576.49
	<u>\$26,274.88</u>			<u>\$1,576.49</u>
Total Combined Refund:		<u>\$27,851.37</u>		



**BLYTHE A. SCOTT**  
COMMISSIONER OF THE REVENUE  
P.O. BOX 2260 NORFOLK, VIRGINIA 23501-2260



**Re: Summary of Refund Request**

Business Name: **Medical Facilities of America**  
Tax Type: **Business License**

The business closed on May 27, 2021, and is requesting a refund on the unused balance of its 2021 business license.

**Prorated License:**

§ 58.1-3710. Proration of license taxes.

A. Notwithstanding any other provision of law, general or special, and regardless of the basis or method of measurement or computation, no county, city or town shall impose a license tax based on gross receipts on a business, trade, profession, occupation or calling, or upon a person, firm or corporation for any fraction of a year during which such person, firm or corporation has permanently ceased to engage in such business, trade, profession, occupation or calling within the county, city or town. In the event a person, firm or corporation ceases to engage in a business, trade, profession or calling within a county, city or town during a year for which a license tax based on gross receipts has already been paid, the taxpayer shall be entitled upon application to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the county, city or town. The county, city or town may elect to remit any refunds in the ensuing fiscal year and may offset against such refund any amount of past-due taxes owed by the same taxpayer. In no event shall a county, city or town be required to refund any part of a flat fee or minimum flat tax.

**Calculation:**

$$\begin{aligned} & \text{(Total Taxes Paid)} / 12 \text{ months} = \text{Total due/month} \\ & \text{(Total due/month)} * \text{(Total Number of months in business)} = \text{Total Owed to City} \\ & \text{(Total Taxes Paid)} - \text{(Total Due to City)} = \text{Refunded Amount} \end{aligned}$$

The proration request was calculated based on five (5) months of operation in the City of Norfolk. Based on the calculation above, the total refund amount due to the taxpayer is **\$26,274.88.**

**CITY ATTORNEY - COPY**